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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,808	02/12/2004	Marc W. Todd	50037.211US01	5841
27488 7590 01/21/2010 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER				
BETTT, JACOB F				
ART UNIT		PAPER NUMBER		
2169				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,808

Applicant(s)

TODD ET AL.

Examiner

Jacob F. B  tit

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 1 October 2009, claims 1, 11, and 18 have been amended per the applicant's request. Claims 1-23 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprint Online User's Guide PCS Phone Handspring Treo 300 User Guide, known hereinafter as Treo in view of Grossman et al. (U.S. patent No. 2004/0119732 A1); Microsoft Middleeast - Windows XP; and Nicolas et al. (U.S. patent No. 7,551,899 B1).

As to claim 1, Treo teaches a method for displaying recent items, comprising:

determining a recent item from recently accessed items on a device; wherein the recently accessed items on the device include: recent incoming phone calls; recent outgoing phone calls; and recent access of contacts (see page 94, Reviewing Call History);

replacing the recent item with a contact maintained in a contact list when the item has an associated contact (see page 94, screen shot and see page 95 Adding a Call History Entry to Contacts);

placing the recent item in a recent items list that includes all recently accessed items (see page 94, screen shot);

generating the recent items list such that recent items associated with a contact are coalesced and shown as only one item within the recent items list; wherein the recent items list includes both recent items that were replaced by a contact and recent items that were not replaced by a contact (see page 94, screen shot, where each incoming outgoing or missed call is only displayed once); and

displaying the recent items list (see page 94, screen shot); and

displaying a context menu; wherein the context menu includes:

in response to determining the recent item was not replaced by a contact, an option to create a new contact for the recent item (see page 95, “Adding a Call History entry to your Contacts list”, “3. Under Record, select Add (/N)”);

an option to an option to remove the recent item from the recent items list (see page 107, Call History view)

an option to view a call history for the recent item (see page 94, “Tap Details to view time of call”).

Treo does not distinctly disclose including an option to beam the recent item in the Call History “record” view.

However, Treo does include beaming a contact in other “record” menus (see page 107, Contacts list view; Contacts edit view; and Contacts record view. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Call History “record” in Treo to include creating a new contact and beaming a

contact because it would allow added functionality of allowing new address book entries to be added to the address book from the Call History and of allowing contact information from calls from the Call History to be sent to other users using menu items already available in other embodiments of Treo.

Treo as modified, does not distinctly disclose wherein the recently accessed items include recently received electronic messages or recent outgoing electronic messages.

However, Grossman et al. teaches including email and phone numbers see paragraph 0043 and 0046. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified, to include the teachings of Grossman et al. because these teachings would allow the user to contact a recent correspondence with email or telephone.

Treo as modified, does not distinctly disclose the recent items list generated such that recent items related to pinned contact are listed higher than items from a standard contact more recently received, and in response to determining the recent item was replaced by a contact, an option to pin a selected contact displayed in the recent items list.

However, Microsoft Middleeast - Windows XP teaches pinning programs to a start menu of recently and frequently accessed programs. (see Pin Programs to the Start Menu). While Microsoft Middleeast-Windows XP does not show treating items like “contacts” that replace phone numbers differently and determining if an item has been replaced by a contact, Treo as modified, does change menus based on if the item is a phone number or a phone number that is replaced by a contact (see page 96 “2. Press Menu” and “3”. Under Record, select Add (/N)” and see page 107, “Call History view” where the “Add” choice has been removed for a known

contact). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Treo as modified, to include the teachings of Microsoft Middleeast - Windows XP because this would allow the user to have more control over what items are displayed on a list of frequently accessed contacts. Further, it would be a design choice to select which menus the pinning option is available on and putting this option on only some of the menus would be well within the ability to one having ordinary skill in the art at the time of the invention.

Treo as modified, still does not distinctly disclose a) generating the recent items list such that recent items associated with a contact are coalesced and shown as only one item and b) displaying non-recently accessed contacts after the displayed list of recent items.

Nicolas et al. teaches a) see column 5, line 52 through column 6, line 5; see column 6, lines 26-50; and see 30-55, "most used numbers" lists contacts with one number based on the amount of times that number has called or been called, when doing the number search over all the tables, line 46 of column 7 teaches removing all duplicates and b) see column 6, lines 38-55, "the list may be combined, such as phone book and most recently used" and "any order of lists, or ordering of the numbers with"n the lists, and/or combination of lists may be utilized". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified to include the teachings of Nicolas et al. because this would remove redundant data so that it is easier for users to make a selection that is desired and order the records in a manner that is helpful to the user. Further, Nicolas et al. was meant to be performed on a device similar to Treo.

As to claim 2, Treo as modified, teaches wherein determining the recent item further comprises determining a time associated with a communication associated with the recent item (see Treo, page 94, Details and page 107, Call History view).

As to claim 3, Treo as modified, does not distinctly disclose wherein determining the recent item further comprises determining a frequency associated with communications associated with the recent item.

However, Grossman et al. teaches this, see paragraph 0011 and 0046 “frequency of selecting particular contacts”. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified, to include the teachings of Grossman et al. because these teachings would allow the users to see a list of contacts accessed most of a period of time instead of seeing contacts accessed most recently.

As to claim 4, Treo as modified, does not distinctly disclose further comprising determining a frequency associated with the communication.

However, Grossman et al. teaches this, see paragraph 0011 and 0046 “frequency of selecting particular contacts”. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified, to include the teachings of Grossman et al. because these teachings would allow the users to see a list of contacts accessed most of a period of time instead of seeing contacts accessed most recently.

As to claim 5, Treo as modified, teaches further comprising replying to the recent item by using any available communication method (see Treo, page 95, Calling a number in your Call History list, where calling the number is the available communication method).

As to claim 6, Treo as modified, teaches wherein the communication method is selected from a set comprising a telephone call, an IM message, an SMS message, MMS message and an email (see Treo, page 95, Calling a number in your Call History list, where calling the number is the available communication method).

As to claim 7, Treo as modified, teaches wherein the recent item list is limited to a predetermined number of recent items (see Treo, page 94, “quick access to the previous 1,000 incoming and outgoing calls”).

As to claim 8, Treo as modified, teaches wherein determining the recent item further comprises determining when a communication associated with the recent item is private and when the communication is private marking the communication as a non-recent item and not including the recent item in the recent items list (see Treo, page 72, Making records private).

As to claim 10, Treo as modified, teaches further comprising turning off the display of the recent items list based on a setting (see Treo, page 196, Auto-off delay).

As to claim 18, Treo teaches a computer-readable storage medium for displaying recent items, comprising:

determining a recent item from recently accessed items; wherein the recently accessed items include: recent incoming phone calls; recent outgoing phone calls; and recent access of contacts (see page 94, Reviewing Call History);

attempting to associate the recent item with a contact maintained in a contact list (see page 94, screen shot and see page 95, Adding a Call History Entry to contacts);

placing the recent item in a recent items list that includes all recently accessed items (see page 94, screen shot);

generating the recent items list (see page 94, screen shot); and

displaying the recent items list (see page 94, screen shot).

Treo does not distinctly disclose including recently received electronic messages and recent outgoing electronic messages.

However, Grossman et al. teaches including email and phone numbers see paragraph 0043 and 0046. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo to include the teachings of Grossman et al. because these teachings would allow the user to contact a recent correspondence with email or telephone.

Treo does not distinctly disclose a) recent items associated with a contact are coalesced and shown as only one item and b) displaying non-recently accessed contacts after the displayed list of recent items.

Nicolas et al. teaches a) see column 5, line 52 through column 6, line 5; see column 6, lines 26-50; and see 30-55, “most used numbers” lists contacts with one number based on the amount of times that number has called or been called, when doing the number search over all the tables, line 46 of column 7 teaches removing all duplicates and b) see column 6, lines 38-55, “the list may be combined, such as phone book and most recently used” and “any order of lists, or ordering of the numbers within the lists, and/or combination of lists may be utilized”. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Treo as modified to include the teachings of Nicolas et al. because this would remove redundant data so that it is easier for users to make a selection that is desired and order the records in a manner that is helpful to the user. Further, Nicolas et al. was meant to be performed on a device similar to Treo.

Treo as modified, does not distinctly disclose recent items related to a pinned contact are listed higher than items from a standard contact.

However, Microsoft Middleeast - Windows XP teaches pinning programs to a start menu of recently and frequently accessed programs. (see Pin Programs to the Start Menu). While Microsoft Middleeast-Windows XP does not show treating items like “contacts” that replace phone numbers differently and determining if an item has been replaced by a contact, Treo as modified, does change menus based on if the item is a phone number or a phone number that is replaced by a contact (see page 96 “2. Press Menu” and “3. Under Record, select Add (/N)” and see page 107, “Call History view” where the “Add” choice has been removed for a known contact). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Treo as modified, to include the teachings of Microsoft

Middleeast - Windows XP because this would allow the user to have more control over what items are displayed on a list of frequently accessed contacts.

As to claim 19, the applicant is directed to the citations of claim 2 above.

As to claim 20, the applicant is directed to the citations of claim 5 above.

As to claim 21, the applicant is directed to the citations of claim 8 above.

As to claim 23 the applicant is directed to the citations of claim 10 above.

4. Claims 9, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprint Online User's Guide PCS Phone Handspring Treo 300 User Guide, known hereinafter as Treo in view of Grossman et al.; Microsoft Middleeast - Windows XP; and Nicolas et al. as applied to claims 1-8, 10, 18-21, and 23 above and in further view of SoloMio.

As to claim 9, Treo as modified, does not distinctly disclose further comprising displaying the time of the communication within a title bar of a contacts window when the recent item is highlighted.

However, SoloMio teaches this see below.

solomiO

SoloMio Missed Call List



SoloMio Services

SoloMio Copyright 2003

Figure 1 - a list of recent items

solomiO

SoloMio Missed Call Option Menu



SoloMio Services

SoloMio Copyright 2003.

Figure 2- displaying the time of the last communication in the title bar.

Therefore, it would have been obvious to have modified Treo as modified above to include the teachings of SoloMio because this would convey information that may be necessary to a user to the user in a very efficient manner.

As to claim 22, the applicant is directed to the citations of claim 9 above

Allowable Subject Matter

5. Claims 11-17 are allowed.

Response to Arguments

6. Applicant's arguments filed 1 October 2009 with regards to claims 1-10 and 18-23 have been fully considered but they are not persuasive.

In response to the applicant's arguments that the combination of references fails to teach "displaying non-recently accessed contacts after the list of recent items", the arguments have been considered, but are not deemed persuasive. Nicolas et al. teaches combining the recent contact list (most recently used list) with other lists including the address book, missed calls, and most used numbers, and ordering the lists in different orders. The combination of most recently used with the phone book in the order recently used first would be the same as "displaying non-recently accessed contacts after the list of recent items." Therefore, the combination of references as applied above using Nicolas et al., teaches the applicants claimed limitation.

In response to the applicant's arguments that the combination of references fail to teach "a call history for the recent item is accessible through a context menu for the recent item", the arguments have been considered, but are not deemed persuasive. The Treo reference teaches using a details button to get further details about a call including the time the call was made or received. These are details of the history of that call and therefore, call history for the recent item.

In response to the applicant's arguments that the combination of references does not disclose "that a context menu is displayed in response to selecting a recent item", the arguments

have been considered, but are not deemed persuasive. In Treo one of the recent calls must always be highlighted when the call history is displayed. No menu is displayed until the user has one of the menu items displayed and presses the menu button to select it. When the user has chosen the particular contact they wish to display further options for, the user presses the menu button to select the current contact and display a context menu for it. It is this selection action that actually pulls up the menu that is displayed on page 107. Therefore, the context menu is displayed in response to the user selecting the recent item.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

Art Unit: 2169

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/
Examiner, Art Unit 2169

jfb
24 Jun 2009